

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
FILED
DEC 24 P 2:21
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEE PEYTON,
PLAINTIFF,
v.
RANDY GROUNDS,
DEFENDANT

CASE NO. CV-13-1232 VC
PLAINTIFF'S MOTION TO
WITHDRAW HIS CIVIL
COMPLAINT WITHOUT
PREJUDICE; DECLARATION
OF LEE PEYTON

Plaintiff, Lee Peyton, hereby moves to withdraw his civil complaint without prejudice, so that he may refile this action with full payment of the pre-filing fee.

DATED: 12/16/14

Respectfully Submitted,
Lee Peyton

DECLARATION OF LEE PEYTON

I, LEE PEYTON, declare as follows:

1. If called as a witness I could competently testify to the following facts of my own personal knowledge.
2. I have read both the Court's Order Re Potential Bar Under Section 1915(G), and the defendant's Motion to Revoke Plaintiff's In Forma Pauperis Status. I do not concede any of the arguments in the defendant's motion nor the conclusions in the Court Order.
3. That I am soon to be released from custody pursuant to the recent passing of PROPOSITION 47. Upon my release I will have the full means to pay the full filing fee for this action.
4. I therefore have filed this motion to withdraw my civil complaint without prejudice so that I may refile my meritorious suit.
5. Accordingly, I respectfully submit that good cause exists for the action requested in the instant motion.

I declare under the penalty of perjury that the foregoing is true and correct. Executed on December 16, 2014 at Delano California.

Lee Peyton
LEE PEYTON

PROOF OF SERVICE BY MAIL;
[C.C.P. §§ 1013, 2015.5; U.S.C. 28 §§ 1746]

STATE OF CALIFORNIA)

KERN COUNTY)

I, ("A") LEE PEYTON am a resident of the North Kern State Prison in Delano, Kern County, California, and I am at least 18 years of age. My mailing address is:

P.O BOX 5000, Delano, California 93216-_____

On ("B") 12/16/14 I served a true and correct copy of the following document(s):

("C") PLAINTIFF'S MOTION TO WITHDRAW

to each party listed below by placing them in an envelope with adequate postage attached or provided for and by depositing said envelope in a box for UNITED STATES MAIL at the N.K.S.P., Delano address.

This copy is being mailed to:

ELLIOT T. SEALS
ATTORNEY GENERAL OF CALIFORNIA
455 GOLDEN GATE AVENUE, STE #11000
SAN FRANCISCO CA 94102

I have mailed additional copies to:

I declare under penalty of perjury that the foregoing is true and correct.

Dated this day of: 12/14 at North Kern State Prison

Signed: Lee Peyton CDCR I.D. # AN8429